

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Concerning Energy Efficiency Rolling Portfolios, Policies, Programs, Evaluation, and Related Issues.

Rulemaking 13-11-005

DECISION GRANTING INTERVENOR COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISIONS 19-12-021 AND 19-08-034

Intervenor: The Utility Reform Network (TURN)	For contribution to Decisions (D.) 19-12-021 and 19-08-034
Claimed: \$148,893.59	Awarded: \$148,791.09
Assigned Commissioner: Liane M. Randolph	Assigned ALJs: Julie A. Fitch and Valerie U. Kao

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	In Decision (D.) 19-12-021 , <i>Decision Regarding Frameworks for Energy Efficiency Regional Energy Networks and Market Transformation</i> , the Commission authorized the continued operation of existing Regional Energy Networks (RENs) and invited new REN proposals as business plans to be filed with the Commission, if they meet additional requirements as defined in that decision. The Commission also adopted most of the elements of a framework proposed by the California Energy Efficiency Coordinating Committee's (CAEECC's) Market Transformation Working Group, resolved issues upon which the working group did not achieve consensus, and authorized initial funding for the Market Transformation Administrator and its portfolio of market transformation initiatives.
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	<p>In D.19-08-034, <i>Decision Adopting Energy Efficiency Goals for 2020-2030</i>, the Commission adopted energy savings goals for ratepayer-funded energy efficiency program portfolios for 2020-2030 based on an assessment of market potential.</p> <p>This request for compensation also reflects TURN's efforts associated with the ongoing implementation of the EE portfolios since TURN's last request for intervenor compensation in this proceeding, including the ongoing EM&V of those programs. TURN has included here the reasonable amounts of time and resources devoted to those efforts.</p>
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:¹

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	December 11, 2013	Verified
2. Other specified date for NOI:	N/A	N/A
3. Date NOI filed:	January 10, 2014	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b)) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	A.12-11-009	Verified
6. Date of ALJ ruling:	Sept. 6, 2013	Verified
7. Based on another CPUC determination (specify):	N/A	N/A
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of "significant financial hardship" (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	A.12-11-009	Verified
10. Date of ALJ ruling:	Sept. 6, 2013	Verified

¹ All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
11. Based on another CPUC determination (specify):	N/A	N/A
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.19-12-021	Verified
14. Date of issuance of Final Order or Decision:	December 12, 2019	Verified
15. File date of compensation request:	February 10, 2019	February 10, 2020
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p><u>D.19-12-021</u></p> <p>1. Market Transformation Framework</p> <p>TURN contributed to the Commission's determination that the Market Transformation Working Group's proposed Market Transformation (MT) framework should be adopted with a few modifications.</p> <p>TURN was a member of the Market Transformation Working Group (MTWG) convened by the CAEECC to develop a proposed MT policy framework and structure for California. The proposal was developed by smaller "subgroups" that took the lead on drafting proposals for consideration by the full group, which were then vetted, revised, and refined by the full group before being submitted to</p>	<ul style="list-style-type: none"> D.19-12-021, p. 44 and Conclusion of Law 17 ("The Commission should adopt the MTWG market transformation framework in most regards, except as otherwise indicated in this decision and Attachment A."). Motion of NRDC Seeking Commission Ruling and Comment Period on the California Energy Efficiency Coordinating Committee Market Transformation Working Group Report, filed 3/19/19. TURN Comments on MTGW Report, filed 	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>the Commission for review and public input. TURN was a member of two of those subgroups, one that developed cost-effectiveness policy proposals and the other that developed a proposal for a statewide independent (non-utility) MT Administrator. TURN helped to draft the proposals prepared by both of these subgroups and also actively participated throughout the MTWG process. TURN also helped to prepare the motion that served as the procedural vehicle to present the MTWG proposal to the Commission, which was filed by the Natural Resources Defense Council. Finally, TURN advocated for the adoption of the consensus sections of the proposal through formally filed comments and reply comments.</p> <p>In D.19-12-021, the Commission largely adopted the MTWG proposal, citing the productive work of the MTWG. The Commission explained, "This decision is structured to discuss only those aspects of the MTWG Report that were controversial and/or commented on by parties in response to the MTWG Report, as well as issues that the Commission wishes to modify. Owing to the excellent work of MTWG and its facilitators, the majority of issues were resolved collaboratively and do not need to be decided by the Commission."</p>	<p>5/6/19, pp. 1-2.</p> <ul style="list-style-type: none"> TURN Reply Comments on MTWG Report, filed 5/20/19, pp. 1-4. 	
<p>2. Market Transformation Administrator</p> <p>TURN contributed to the Commission's determination that a single, independent, statewide entity – not a utility – should</p>	<ul style="list-style-type: none"> D.19-12-021, Section 3.2, pp. 48, 54-58. TURN Comments on MTGW Report, filed 5/6/19, p. 3. 	<p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>serve as the Market Transformation Administrator (MTA).</p> <p>TURN has advocated for a new MT policy framework in California, including a statewide independent MTA, throughout this proceeding as opportunities arose. In the fall of 2018, Energy Division staff proposed a new MT policy framework for California, and the Commission solicited comments on that proposal. TURN recommended that the Commission adopt a statewide, independent administrator, rather than the approach proposed by Staff. Staff had proposed that the utilities would each administer their own market transformation initiatives. Following comments and workshops on Staff's proposal, CAEECC convened the MTWG to bring stakeholders together and build as much consensus as possible.</p> <p>The identity of the MTA was one of the issues unresolved by the MTWG, which included two options in its proposal to the Commission. TURN continued to advocate for a single, statewide non-utility administrator, along with several other MTWG members. The other option, opposed by TURN, was to have the existing EE program administrators, particularly the utilities, serve as the administrator(s).</p> <p>TURN played a leading role on the MTWG subgroup that drafted the non-consensus section of the MTWG proposal recommending a single, statewide non-utility MTA and specifically drafting the rationale for that approach.</p> <p>After careful deliberation, the Commission</p>	<ul style="list-style-type: none"> • TURN Reply Comments on MTWG Report, filed 5/20/19, pp. 5-8 (rebutting concerns about fragmentation and coordination challenges); 8-10 (rebutting other defenses of having utilities be the MTAs). • TURN Comments on the EE MT Policy Framework Proposed by Energy Division Staff, filed 10/5/18, pp. 4-5 (advocating a statewide, independent MTA). 	

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<p>in D.19-12-021 concluded that a single, statewide, independent MTA should be adopted. In reaching this conclusion, the Commission pointed to the three primary benefits touted by the MTWG, which TURN also reiterated in separate comments: that it would be a mission-driven organization focused on MT; it would be able to conduct truly statewide activities in coordination with entities beyond the IOUs; and it would have the freedoms arising from not being an IOU.</p> <p>In reaching this conclusion, the Commission rejected the arguments of some parties that choosing a single, statewide, independent administrator would fragment the existing EE administration infrastructure and create coordination challenges. As TURN had pointed out, the Commission explained, "The landscape of energy efficiency in California is changing [with the increase in PAs, including CCAs and RENs]. Thus, the utility program administrators no longer occupy the singular role that they may have in the past."</p>		
<p>3. Budget Allocation for MTA</p> <p>TURN demonstrated that the initial budget allocation for the Market Transformation Administrator (MTA) should be between 5-10% of the size of the overall EE portfolio budget.</p> <p>The MTWG recommended that the Commission adopt a "not to exceed" budget for the MTA covering the initial contract duration but did not specify the</p>	<ul style="list-style-type: none"> • D.19-12-021, p. 61. • TURN Comments on MTGW Report, filed 5/6/19, p. 7. 	Verified

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>funding level. TURN recommended that the funding level be set at 5-10% of the of the size of the overall EE portfolio budget.</p> <p>The Commission in D.19-12-021 found "logic to the TURN suggestion" and adopted an initial budget allocation of \$250 million for the first 5 years, which "is roughly 8% of the overall energy efficiency portfolio budget as of the date of this decision."</p>		
<p>4. Cost-Effectiveness Requirements for Regional Energy Networks</p> <p>TURN contributed to the Commission's determination that the Proposed Decision's interpretation of the statutory requirements for EE cost-effectiveness, as arising in the context of the Regional Energy Networks (RENs), should be eliminated.</p> <p>The Proposed Decision that preceded D.19-12-021 (PD) included a response to an argument previously presented by the Public Advocates Office that although the RENs' portfolios may not be cost-effective, they should be balanced out by surplus benefits from the utility portfolios to ensure that the portfolio of ratepayer-funded EE programs is cost-effective overall. The PD rejected the contention that the EE activities funded by a utility's ratepayers should be cost-effective in total, instead suggesting that the Commission's discretion was not constrained by cost-effectiveness requirements. TURN coordinated with the Public Advocates Office is preparing comments on this aspect of the PD, urging the Commission to eliminate this</p>	<ul style="list-style-type: none"> • D.19-12-021, pp. 38-39. • TURN Comments on PD, filed 11/12/19, pp. 6-13. • PD, Revision 1 (Redlined Version), pp. 39-42 (showing changes in response to comments on the PD). 	<p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>conclusion.</p> <p>While the Public Advocates Office focused on the PD's erroneous interpretation of Public Utilities Code Section 381(b) and failure to consider the Commission's consistent, contrary interpretation of that statute, TURN focused on other aspects of the PD's error. TURN explained that the PD erred as a matter of fact in suggesting that the Commission had never previously needed to consider funding un-cost-effective EE because of the abundance of EE available. TURN showed a consistent line of decisions over the past 5 years that both recognized the diminishing supply of cost-effective EE and reiterated the necessity of ensuring that ratepayers only fund cost-effective EE. TURN also argued that the PD's approach failed to satisfy the Commission's responsibilities under Public Utilities Code Section 451 to protect ratepayers from bearing unjust or unreasonable costs. TURN suggested that if the Commission abandoned the approach established in D.12-11-015 of considering the REN's portfolio in conjunction with the utility's portfolio in assessing cost-effectiveness, the Commission must develop an alternative approach (with due process afforded to stakeholders) that provides sufficient specificity and rigor to ensure that ratepayer dollars are being prudently invested in EE.</p> <p>The Commission modified the PD to eliminate the language opposed by TURN and the Public Advocates Office. The Commission in D.19-12-021 instead concluded that the topic of statutory</p>		

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>requirements for EE cost-effectiveness “deserves further exploration and vetting within the rulemaking.” The Commission committed to undertaking further consideration of how to approach “collective portfolios cost-effectiveness among portfolios administered separately by different administrators” (such as the RENs and utilities) later in this proceeding or its successor. This outcome, while different than the affirmation of the approach adopted in D.12-11-015, is consistent with TURN’s (and the Public Advocates Office’s) call for the Commission to consider changes to EE cost-effectiveness policy only with due process afforded to stakeholders and careful deliberations regarding the legal ramifications of any such change.</p>		
<p><u>D.19-08-023</u></p> <p>1. Treatment of Estimated Potential from the Residential Low-Income Sector</p> <p>TURN contributed to the Commission’s determination that the EE goals for 2020-2030 should not include the savings potential estimated by Navigant for residential low-income sector.</p> <p>TURN was one of several parties to point out shortcomings in the “market adoption” methodology used to estimate low-income potential that made this estimate a less realistic predictor of the savings that will be captured from that sector than the potential modeled for other market sectors. Among other things, TURN pointed to changing rules and requirements for the Energy Savings Assistance Program</p>	<ul style="list-style-type: none"> • D.19-08-034, pp. 16-17. • TURN Comments on Draft 2019 Potential and Goals Study, filed 5/21/19, pp. 1-6 (limitations of estimation methodology used in 2019 P&G study); pp. 6-7 (developing energy savings goals for ESAP in the low-income proceeding). 	<p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>(ESAP), which rendered inaccurate some of the study's assumptions about customer measure adoption. Given this, TURN recommended that the Commission exclude the low-income EE potential estimated by Navigant when adopting EE goals for 2020 and beyond.</p> <p>TURN additionally recommended that the Commission address energy savings goals for the low-income sector, and specifically from the Energy Savings Assistance Program (ESAP), in the low-income energy docket, rather than here. TURN explained, "That proceeding is the proper procedural home because the parties are those well-positioned to comment on what the ESA Program can and should be expected to deliver in terms of energy savings, given the multiple policy objectives for that program." To support that effort, TURN recommended that the Commission direct Staff and Navigant to provide an estimate of technical potential from the low-income sector using data and information gathered for the 2019 P&G study (rather than market adoption potential), in a form that could be used to inform the development of ESA Program goals in the low-income proceeding.</p> <p>In D.19-08-034, the Commission agreed with TURN and other parties that "it is more appropriate to consider whether and how to develop savings goals for the residential low-income sector in the consolidated ESA and CARE proceeding or its successor, as this issue is more clearly within scope of that proceeding and, as parties indicate, the Commission can better align any goals it adopts for the</p>		

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>residential sector with ESA program rules and requirements in that proceeding.” The Commission also noted that it might use the 2019 P&G study “as an informational input” to future decisions on energy savings goals in the low-income energy proceeding. This outcome recognizes the limitations of the study methodology, while still finding value in the work conducted by Navigant, as suggested by TURN.</p>		
<p>2. Which Scenario for EE Market Potential Should Form the Basis for the 2020-2030 Goals</p> <p>TURN contributed to the Commission’s analysis of the most appropriate scenario presented in the 2019 P&G study to use in setting the 2020-2030 goals.</p> <p>TURN recommended that the Commission set goals based on the scenario that used a 1.25 cost-effectiveness screening threshold applied to measures (“Alternative 2”). TURN argued that this scenario would create “breathing room” around the goals, and thus in the portfolios, for non-resource programs, the costs of which are not accounted for by Navigant in the P&G process, and similarly for low TRC programs that may be meritorious because of equity. TURN also noted a 1.25 cost-effectiveness screen provides a built-in hedge against the risk that portfolios will be less cost-effective on an ex post basis than forecast.</p> <p>The Commission in D.19-08-034 concluded that the Reference scenario, which applies a 1.0 cost-effectiveness</p>	<ul style="list-style-type: none"> • D.19-08-034, pp. 13-14 (adopting a 1.0 cost-effectiveness threshold but agreeing that non-resource program costs should be accounted for in future P&G studies). • TURN Reply Comments on Draft 2019 Potential and Goals Study, filed 5/31/19, pp. 3-5 (benefits of a 1.25 screen); pp. 5-6 (goals are a floor not a ceiling). • D.19-08-034, p. 15 (goals are a floor not a ceiling). 	<p>Verified</p>

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>threshold, should be used to set goals. Although the Commission disagreed with TURN's proposal to add breathing room in the goals for non-resource programs by using a 1.25 screen, the Commission concluded that it should consider "ways to account for non-resource costs in future potential studies" to address the problem raised by TURN (and SCE).</p> <p>TURN also challenged SDG&E's suggestion that using a 1.25 screen would constrain the amount of EE savings that program administrators can offer. TURN pointed out that the goals are not intended to function as a ceiling on the extent of cost-effective EE that can be captured; the goals are a floor. The Commission incorporated this reminder into D.19-08-034, instructing program administrators to go beyond the goals where feasible.</p>		

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Public Advocate's Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?²	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified

² The Office of Ratepayer Advocates was renamed the Public Advocate's Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

<p>c. If so, provide name of other parties:</p> <p>TURN's positions overlapped to varying extents with other parties, including Cal Advocates, the Natural Resources Defense Council, Small Business Utility Advocates, Northwest Energy Efficiency Alliance, Resource Innovations, BayREN, IBEW-NECA LMCC, Marin Clean Energy, CLEAResult, Pacific Gas and Electric Company, Southern California Edison Company, Southern California Gas Company, and San Diego Gas & Electric Company.</p>	<p>Verified</p>
<p>d. Intervenor's claim of non-duplication:</p> <p>TURN's positions inevitably overlapped with those taken by the other members of the Market Transformation Working Group, who supported adoption of the MTWG's consensus recommendations. However, each working group member contributed unique workproduct to support the group effort, as explained in Section II.A under "Market Transformation Framework" above. Moreover, TURN's positions were at odds with those of some of the MTWG members on the non-consensus issues. Where TURN shared recommendations, TURN offered unique analysis. For instance, TURN is the only party that rebutted the argument that having a single, statewide MTA would fragment the EE landscape, as well as the utilities' argument that the Commission's oversight would be less certain. (See TURN Reply Comments on MTWG Report, filed 5/20/19, pp. 5-10).</p> <p>Furthermore, as explained above in Section II.A under "Cost-Effectiveness Requirements for Regional Energy Networks," TURN closely coordinated with Cal Advocates in preparing comments on the Proposed Decision preceding D.19-12-021 so that TURN's analysis of the factual and legal errors in the PD would complement the legal analysis presented by Cal Advocates. TURN also coordinated with Cal Advocates and NRDC in reviewing the 2019 P&G study's treatment of low-income potential. This coordination helped us to prepare complementary analyses, given our similar concerns.</p> <p>Finally, in a proceeding such as this where many stakeholder groups are encouraged to participate, some degree of duplication may be practically unavoidable.³ TURN at times advanced recommendations that overlapped</p>	<p>Noted</p>

³ See, i.e. D.96-08-040 (67 CPUC 2d 562, 575-576.X)("[B]ecause of the extraordinary level of participation required of both parties and intervenors throughout these proceedings, we find that a reduction in the amount awarded to intervenors based on duplication of effort is unwarranted. Section 1803(b) requires that the awarding of fees to intervenors "be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process." Each of the intervenor groups clearly has a stake in the process of restructuring California's electrical services industry and we are grateful for their participation in these proceedings. Moreover, we rely on them to continue their effective and efficient participation in our proceedings as we move forward with the many

<p>with the positions of other parties, including parties with whom TURN's interests are quite distinct (such as the utilities). Nonetheless, TURN submits that its compensation in this proceeding should not be reduced for duplication of the showings of other parties. Rather, the Commission should find that there was no undue duplication, as any duplication served to materially supplement, complement or contribute to the showing of another party and, therefore, is fully compensable under PU Code Section 1802.5.</p> <p>For all of these reasons, TURN submits that there was no undue duplication between TURN's participation and that of Cal Advocates and the other parties with whom TURN shared some positions.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

	CPUC Discussion
<p>a. Intervenor's claim of cost reasonableness:</p> <p>TURN's request for intervenor compensation seeks an award of approximately \$149,000 as the reasonable cost of our participation in the portion of this proceeding covered herein. TURN submits that these costs are reasonable in light of the importance of the issues TURN addressed and the benefits to customers.</p> <p>TURN's advocacy in this proceeding reflected in D.19-08-034 and D.19-012-021 addressed policy matters related to the EE portfolios, rather than specific rates or disputes over particular dollar amounts. For these issue areas, TURN cannot easily identify precise monetary benefits to ratepayers from our work in this proceeding, given the nature of the issues presented. For this reason, the Commission should treat this compensation request as it has treated similar past requests with regard to the difficulty of establishing specific monetary benefits associated with TURN's participation. (<i>See i.e.</i> D.18-05-017 (awarding TURN intervenor compensation for earlier EE policy work in this proceeding); D.07-12-040, p. 21 (awarding TURN intervenor compensation for energy efficiency policy work in A.05-06-004 et al.); D.13-06-019 (awarding TURN</p>	Noted

implementation tasks ahead. [footnote omitted][¶] In a broad, multi-issue proceeding such as this, we expect to see some duplication of contribution. This duplication does not diminish the value of that contribution to the Commission. In our view, to deduct from an award of reasonable fees in this case would not encourage the effective and efficient participation of all stakeholders in the spirit of § 1801.3(b).")

<p>intervenor compensation for EE policy work in R.09-11-014.)⁴</p> <p>TURN submits that our contributions to this proceeding will afford the ratepayers of PG&E, SCE, SDG&E and SoCalGas significant benefits, as the establishment of energy efficiency policies has a direct and lasting impact on customer rates. These policies will yield demand side resources designed to displace supply side resource procurement. As the energy crisis demonstrated, procurement costs can be a major driver of utility outlays and retail rates. The astronomical rate increases of 2001 can be linked to the extraordinary costs of wholesale electricity. In the future, procurement expenditures may represent the least predictable component of utility costs. Therefore, appropriate energy efficiency (and integrated resource planning) policies and prudent planning practices will be essential to maintaining both low and stable rates. TURN's contributions to this proceeding will assist the Commission in achieving its energy efficiency goals, as well as the mandates of AB 32, AB 802, and SB 350. Moreover, TURN's contributions will promote long-term rate stability, reduce risks to ratepayers and contribute to resource diversity that should help to mitigate the impact of future market dysfunction.</p> <p>For all of these reasons, the Commission should find that TURN's efforts have been productive.</p>	
<p>b. Reasonableness of hours claimed:</p> <p>This Request for Compensation includes 440 hours for TURN's attorney and consultant time. This time includes TURN's preparation of formally filed pleadings related to the issues resolved in D.19-08-034 and D.19-12-021 and other activities related to active participation in this proceeding, such as attending workshops, participating in the EM&V public workshop process overseen by Energy Division and otherwise reviewing IOU program EM&V, and reviewing IOU advice filings related to the implementation of the 2018-2019 portfolios and submitting protests</p>	Noted

⁴ See also D.99-12-005, pp. 6-7 (Compensation Decision in 1995 Storm Phase of PG&E GRC, A.97-12-020) and D.00-04-006, pp. 9-10 (Compensation Decision in Edison PBR Midterm Review, A.99-03-020) (recognizing the overall benefit of TURN's participation where that participation assisted the Commission in developing a record on which to assess the reasonableness of the utility's operations, and particularly its preparedness and performance in the future); D.00-05-022 (Compensation Decision in the Emergency Standards Proceeding) (awarding TURN \$92,000 in D.00-10-014 for our substantial contribution to the earlier decision, despite TURN's inability to assign a dollar value to the benefit of our participation in order to demonstrate "productivity." Interestingly, the Commission awarded compensation even though the emergency restoration standards may never come into play in the future, since they come into play only after a "major outage," which is defined as impacting more than 10% of a utility's customers. The contingent nature of the future standards did not cause the Commission to hesitate in awarding TURN compensation.).

and responses as necessary.

For these reasons, as well as those provided below, TURN submits that the number of hours claimed by TURN is reasonable.

TURN Attorney & Outside Expert Consultant Time

Hayley Goodson served as TURN's attorney in this proceeding. Ms. Goodson has extensive experience on EE issues, making her an efficient staffing choice. This request includes approximately 240 hours of Ms. Goodson's time from late 2017 through now, plus a few hours in 2014, 2015, and 2016 related to EE Market Transformation that TURN excluded from our prior request for compensation, filed Dec. 1, 2017, because the Commission had yet to resolve MT issues.

TURN also relied on outside expert consultant Cynthia Mitchell of Energy Economics, Inc. Ms. Mitchell supported TURN's work throughout this proceeding and assisted TURN with analysis reflected in TURN's pleadings and represented TURN in less formal forums (such as PG&E's Peer Review Group for its Pay For Performance Pilot solicitation, as explained below). This request includes approximately 200 hours of Ms. Mitchell's time in late 2017, 2018, and 2019, plus a few hours in 2014 related to EE Market Transformation that TURN excluded from our prior request for compensation, filed Dec. 1, 2017, because the Commission had yet to resolve MT issues.

TURN's time entries include periodic communications with the Public Advocates Office and Energy Division staff members. The Commission should find this reasonable under the circumstances, given that some extent of communication was necessary to avoid duplication and otherwise coordinate TURN's showing with that of the Public Advocates Office, and also given Energy Division's prominent role in the proceeding. TURN submits that it was not uncommon for every active party to contact Energy Division to solicit staff's views about matters or for information regarding upcoming workshops and meetings, and to provide information in response to staff inquiries. The fact that such contacts occurred periodically does not demonstrate that the contacts represent inefficiency or unnecessary work in any way.

For all of these reasons, the Commission should find the number of hours for Ms. Goodson and Ms. Mitchell reasonable and award compensation for the full number of requested hours.

TURN provides additional information about the reasonableness of specific categories of hours included in this request in the sections below.

Time Devoted to Ongoing EM&V and Program-Related Activities

This request includes the time TURN devoted to participating in ongoing EM&V work overseen by Energy Division, such as participating in ED's M&V quarterly meetings and working to develop EM&V-related information and data re: program impacts for the ongoing evaluation of the currently-approved portfolios. This EM&V-related work was not the subject of either of the two decisions covered by this request for compensation. TURN has requested, and received, intervenor compensation for similar EM&V-related work in other proceedings. *See, e.g.,* TURN's Request for Compensation filed on Sept. 7, 2011, in A.08-07-021 et al., and fully compensated in D.12-02-012, as well as in TURN's Request for Compensation in R.09-11-014, filed on July 17, 2012, and where this work was found compensable in D.13-06-019.

This request also includes time devoted by TURN to active participation in and contribution towards, the Commission's oversight over the Program Administrators' program implementation-related activities following the opening of R.13-11-005. TURN has likewise requested, and received, intervenor compensation for similar program-related work. *See, e.g.,* D.18-05-017 (awarding TURN intervenor compensation for earlier EE program-related activities in this proceeding). In this case, such participation took a variety of forms, including TURN's review, and sometimes protest or response, of utility advice letters proposing to add or modify programs. For instance, this time includes TURN's participation in the public input process convened by CAEECC for the 2019 Annual Budget Advice Letters of all four IOU PAs, as well as TURN's review of the utilities' proposals and ABAL protests.

TURN also responded to PG&E's Advice Letter 3935-G/5227-E (Re: Retail Products Platform Pilot), requesting authorization to continue the RPP pilot program within its Energy Efficiency Plug-Load and Appliances Sub-Program, which was originally authorized by the Commission two years ago in its disposition of PG&E's Advice Letter 3668-G/4765-E. TURN recommended that the Commission approve PG&E's request to continue the RPP pilot, based on TURN's analysis of PG&E's showing and discovery. But TURN also urged the Commission to emphasize the importance of completion of the early evaluation in 2018 and direct PG&E update stakeholders on its status. And TURN recommended that the Commission direct PG&E to meet quarterly with interested stakeholders to discuss continued challenges and opportunities, logic model adjustments, and implementation of course corrections or other program changes. (TURN Response to PG&E AL 3935-G/5227-E, 3-1-18). Energy Division's disposition of PG&E's AL approved pilot continuation (but without the new measure of dehumidifiers, as recommended by the Public Advocates Office), but also required PG&E to communicate quarterly with stakeholders regarding RPP efforts and progress towards targets, baselines,

data aggregation issues, and evaluation. Energy Division also directed PG&E to resolve the data issues of concern to TURN and the Public Advocates Office and have early evaluation results, among other critical information, before it seeks continued funding for RPP in 2019. (Energy Division Non-Standard Disposition Letter, PG&E AL 3835-G/5227-E). TURN's response and Energy Division's disposition are attached to this request as Attachment 5.

Finally, TURN participated in PG&E's Peer Review Group (PRG) for the second enrollment period of the Residential Pay For Performance (P4P) High Opportunity Programs or Projects (HOPPs) pilot program. Earlier in this proceeding, TURN participated in a group convened by PG&E to advise it on the development of the P4P pilot. (That time was included in TURN's Dec. 1, 2017 request for compensation.) The work included in this request for compensation includes TURN's participation, via TURN's consultant Cynthia Mitchell, as a member of the PRG, as well as TURN's review of and provision of input on the draft EM&V study plan. Ms. Mitchell initially focused on the similarities and differences in the goals between the first and second round of solicitations, questioning whether the second solicitation would address lessons learned in the first. She then brought a unique focus on the mix of measures PG&E was intending to encourage through its solicitation; the measure mix proposed by bidders; UES and EUL assumptions associated with those measures; and the need for a longer period of metering data to support longer savings assumptions.

Summary

Given TURN's substantial contributions in this proceeding, the Commission should find that the number of hours claimed by TURN is reasonable. Should the Commission believe that more information is needed or that a different approach to discussing the reasonableness of the requested hours is warranted here, TURN requests the opportunity to supplement this section of the request.

c. Allocation of hours by issue:

TURN has allocated its daily time entries by activity codes to better reflect the nature of the work reflected in each entry. TURN has used the following activity codes:

Code	Description	Allocation of Time	Hours

Verified

EMV	Work in this category largely pertains to general work on EM&V issues, such as participating in ED's M&V quarterly meetings and working to develop EM&V-related information and data re: program impacts for the ongoing evaluation of the currently-approved portfolios.	9.77%	43.00	
MT	The work in this category was related to the development and adoption of a new EE Market Transformation framework for California.	22.15%	97.50	
P&G	The work in this category related to the EE potential and goals study for 2020 and beyond and EE goals adopted by the Commission in D.19-08-034, plus some follow-up work related to the 2018 study.	8.18%	36.00	
PD	This work was related to reviewing the Proposed Decision which preceded D.19-12-021 and preparing comments.	6.81%	30.00	
Ph3-#	The work in in this category was substantive in nature but not specific to any one issue area addressed by TURN.	2.78%	12.25	
Ph3-GP	The work in this category includes activities associated with general participation in this proceeding, such as preliminary coordination discussions with other parties, reading ALJ procedural rulings, and reading parties' pleadings as necessary to determine whether TURN should address the issues raised.	1.14%	5.00	
Programs	The work in this category reflects TURN's active participation in and contribution towards, the Commission's oversight over the Program Administrators' program implementation-related activities following the opening of R.13-11-005 and after the time period covered by TURN's previous request for compensation in R.13-11-005. Such participation took a variety of forms, including but not limited to TURN's review, and sometimes protest or response, of utility advice letters, excluding advice letters related to PG&E's Retail Products Platform and Pay For Performance Pilot (which have different activity codes).	30.78%	135.50	

Programs-P4P	The work in this category was related to PG&E's Retail Products Platform pilot program.	7.21%	31.75
Programs-RPP	The work in this category was related to PG&E's Residential Pay For Performance pilot program.	6.53%	28.75
Ph3-Comp	The work in this category was related to preparing this request for intervenor compensation.	4.66%	20.50
TOTAL		100.00%	440.25

If the Commission believes that a different approach to issue-specific allocation is warranted here, TURN requests the opportunity to supplement this section of the request.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Hayley Goodson, TURN Staff Attorney	2014	1.00	\$355	D.15-08-023	\$355.00	1.00	\$355	\$355.00
Hayley Goodson, TURN Staff Attorney	2015	0.75	\$355	D.16-10-036	\$266.25	0.75	\$355	\$266.25
Hayley Goodson, TURN Staff Attorney	2016	1.00	\$380	D.17-03-022	\$380.00	1.00	\$380	\$380.00
Hayley Goodson, TURN Staff Attorney	2017	0.25	\$405	D.18-01-020	\$101.25	0.25	\$405	\$101.25
Hayley Goodson, TURN Staff	2018	93.75	\$435	D.18-04-020	\$40,781.25	93.75	\$435	\$40,781.25

CLAIMED						CPUC AWARD		
Attorney								
Hayley Goodson, TURN Staff Attorney	2019	123.25	\$445	D.19-11-009	\$54,846.25	123.25	\$445	\$54,846.25
Cynthia K. Mitchell, Energy Economics, Inc.	2014	3.00	\$200	D.18-05-017	\$600.00	3.00	\$200	\$600.00
Cynthia K. Mitchell, Energy Economics, Inc.	2017	27.75	\$225	D.18-05-017	\$6,243.75	27.75	\$225	\$6,243.75
Cynthia K. Mitchell, Energy Economics, Inc.	2018	159.50	\$240	D.19-10-016	\$38,280.00	159.50	\$240	\$38,280.00
Cynthia K. Mitchell, Energy Economics, Inc.	2019	9.50	\$245	Res. ALJ-357 (2.35% 2019 COLA); See Comment #2	\$2,327.50	9.50	\$245	\$2,327.50
Subtotal: \$144,181.25						Subtotal: \$144,181.25		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Hayley Goodson, TURN Staff Attorney	2020	20.50	\$227.50	1/2 of requested 2020 hourly rate; See Comment #1	\$4,663.75	20.50	\$222.50	\$4,561.25 [1]
Subtotal: \$4,663.75						Subtotal: \$4,561.25		

CLAIMED				CPUC AWARD
COSTS				
#	Item	Detail	Amount	Amount
1.	Copies	Photocopies of filings for mailing	\$15.70	\$15.70
2.	Phone	Phone costs	\$17.04	\$17.04
3.	Postage	Postage for mailing filings	\$15.85	\$15.85
Subtotal: \$48.59				Subtotal: \$48.59
TOTAL REQUEST: \$148,893.59				TOTAL AWARD: \$148,791.09
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>				
ATTORNEY INFORMATION				
Attorney	Date Admitted to CA BAR ⁵	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation	
Hayley Goodson	December 2003	228535	No	

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Timesheets for TURN's Attorney and Expert

⁵ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Attachment 3	TURN Expenses
Attachment 4	TURN Hours Allocated by Issue
Attachment 5	TURN Response to PG&E Advice Letter 3935-G/5227-E (Retail Products Platform Pilot) and Energy Division Non-Standard Disposition Letter
Comment 1	<p>Hourly Rate for Hayley Goodson -- 2020</p> <p>The Commission has yet to adopt a 2020 COLA for intervenor hourly rates. Pending the Commission's COLA determination, TURN has used a placeholder COLA of 2% to calculate a 2020 rate for TURN Staff Attorney Hayley Goodson. Applying a 2% COLA to Ms. Goodson's authorized 2019 hourly rate of \$445 yields a 2020 hourly rate of \$455 when rounded to the nearest \$5.</p> <p>If the Commission adopts a COLA that supports a different hourly rate for Ms. Goodson, TURN requests that the Commission adjust the requested 2020 hourly rate accordingly.</p>
Comment 2	<p>Hourly Rate for Cynthia Mitchell – 2019</p> <p>TURN requests an hourly rate of \$245 for work Cynthia Mitchell performed in 2019. This is the same rate that Ms. Mitchell billed TURN for her work during this period. It is equivalent to her authorized 2018 rate of \$240 (D.19-10-016) adjusted by the Commission's COLA for 2019 of 2.35% (Res. ALJ-357), rounded to the nearest \$5.</p>

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1]	The Commission has not approved a COLA as of the date of this decision. Therefore, the 2020 hourly rate for Goodson is adjusted to \$445.00.

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to D.19-12-021 and D.19-08-034.
2. The requested hourly rates for The Utility Reform Network's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$148,791.09.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Utility Reform Network shall be awarded \$148,791.09.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company and Southern California Gas Company shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2019 calendar year, to reflect the year in which the proceeding was primarily litigated. If such data is unavailable, the most recent electric and gas revenue data shall be used. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning April 25, 2020, the 75th day after the filing of The Utility Reform Network's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1912021, D1908034		
Proceeding(s):	R1311005		
Author:	ALJs Fitch and Kao		
Payer(s):	Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas and Electric Company and Southern California Gas Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/ Disallowance
The Utility Reform Network (TURN)	2/10/20	\$148,893.59	\$148,791.09	N/A	Goodson 2020 hourly fee adjusted because no COLA has been approved for 2020.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Hayley	Goodson	Attorney	\$355	2014	\$355
Hayley	Goodson	Attorney	\$355	2015	\$355
Hayley	Goodson	Attorney	\$380	2016	\$380
Hayley	Goodson	Attorney	\$405	2017	\$405
Hayley	Goodson	Attorney	\$435	2018	\$435
Hayley	Goodson	Attorney	\$445	2019	\$445
Hayley	Goodson	Attorney	\$455	2020	\$445
Cynthia	Mitchell	Expert	\$200	2014	\$200
Cynthia	Mitchell	Expert	\$225	2017	\$225
Cynthia	Mitchell	Expert	\$240	2018	\$240

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Cynthia	Mitchell	Expert	\$245	2019	\$245

(END OF APPENDIX)